

(2012) 08 RAJ CK 0118
In the Rajasthan High Court
Case No : Civil Writ Petition No. 12529 of 2012

Bhanwar Lal Jhakar and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 24-08-2012

Acts Referred:

Citation : (2013) 2 CDR 665

Hon'ble Judges : Munishwar Nath Bhandari, J

Bench : Single Bench

Advocate : Anoop Dhand, for the Appellant;

Judgement

Munishwar Nath Bhandari, J.—This matter pertains to post of School Lecturer (Commerce), for which selection was held by the Rajasthan Public Service Commission. The grievance of the petitioners is that certain questions are either having incorrect answers or they have more than two answers of one question. The petitioners have accordingly made a detailed representation to the respondents followed by the notice for demand of justice but no heed was paid by the respondent to the aforesaid notice.

2. Learned counsel for petitioners, to substantiate his plea, cited judgment of supreme Court in Kanpur University and Others Vs. Samir Gupta and Others, , and judgments of this Court in Lalit Mohan Sharma vs. State of Rajasthan & Ors., 2005 (8) RDD 3071 and Manish Ujjawal vs. State of Rajasthan, 2005 (8) RDD 257.

3. Correctness of answers of the questions, can be got examined from experts in the field. Respondent RPSC has experts with it to examine such disputes. This Court, in view of the decision of supreme Court in H.P. Public Service Commission Vs. Mukesh Thakur and Another, , cannot act like an expert body to examine these questions because the respondent RPSC is an expert body and it has assistances of experts in the subject concerned.

4. Petitioners may therefore make representation to the Secretary of respondent

Rajasthan Public Service Commission and produce along-with that books/ authorities/relevant material, on the basis of which they claim answers of above referred questions to be incorrect. The Secretary of respondent RPSC with concurrence of its Chairman, may then issue order for examination of those questions through expert body from the filed of subject. If, on consideration of that representation, it is found that grievance of petitioners is genuine, it may revise the merit list. However, consideration of petitioners for the appointments may be confined to the posts which have either remained vacant out of the notified/advertised posts pursuant to the advertisement in question, or are otherwise lying vacant with the department in addition thereof. The petitioners may make such representation with all material available with them, within a period of two weeks and necessary exercise shall be undertaken by the RPSC within a period of three months thereafter. The writ petition as well as the stay application is accordingly disposed of.